

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: TRI-STATE PAPER, INC.

Debtor

CHAPTER 11

Bky. No. 23-13237(PMM)

**Notice of Debtor's Motion for Reconsideration of the October 15, 2024 Order Approving
the First and Final Application for Compensation and Reimbursement of Costs of
Cibik Law, P.C. Counsel for Debtor for the Period October 9, 2023 through August 2, 2024**

The Debtor in the above-captioned matter has filed a Motion for the reasons stated in the Motion.

1. **Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult an attorney).
2. **If you do not want the court to grant the relief sought in the motion**, or if you want the court to consider your views on the motion, then on or before _____ you or your attorney must file a response to the motion (See instructions below).
3. **A hearing on the motion** is scheduled to be held on _____, before Bankruptcy Judge Patricia M. Mayer in Courtroom #1 at U.S. Bankruptcy Court, 900 Market Street, Philadelphia, PA 19107. Unless the court orders otherwise, the hearing on this contested matter will be an evidentiary hearing.
4. **If you do not file a response to the motion**, the court may cancel the hearing and enter an order granting the relief requested in the motion.
5. You may contact the Bankruptcy Clerk's office at 215-408-2800 to find out whether the hearing has been canceled because no one filed a response.
6. If a copy of the motion is not enclosed, a copy of the motion will be provided to you if you request a copy from the attorney whose name and address is listed below.
7. **If you are required to file documents electronically by Local Bankruptcy Rule 5005-1**, you must file your response electronically.
8. **If you are not required to file electronically**, you must file your response at U.S. Bankruptcy Court, 900 Market Street, Suite 400, Philadelphia, PA 19107.
9. On the same day that you file or mail your response to the motion, you must mail or deliver a copy of the response to the movant's attorney.

ALLEN B. DUBROFF, ESQ. & ASSOCS., LLC

BY: 

ALLEN B. DUBROFF, ESQ.

PA Bar #04686

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Dated: 10/24/24

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: TRI-STATE PAPER, INC.	:	CHAPTER 11
	:	
Debtor	:	
	:	Bky. No. 23-13237(PMM)

**DEBTOR'S MOTION FOR RECONSIDERATION OF THE OCTOBER 15, 2024 ORDER
APPROVING THE FIRST AND FINAL APPLICATION FOR COMPENSATION
AND REIMBURSEMENT OF COSTS OF CIBIK LAW, P.C., COUNSEL FOR DEBTOR
FOR THE PERIOD OCTOBER 9, 2023 THROUGH AUGUST 2, 2024**

Tri-State Paper, Inc, through its counsel, Allen B. Dubroff, Esq. and Associates, LLC, files the above-captioned Motion for Reconsideration and submits the following in support thereof:

1. This Chapter 11 Subchapter V Case was filed by the Debtor on 10/27/23. Jurisdiction over this Motion is reserved in this Court as set forth in paragraph 8.8 (i) (iii) and (iv) of the confirmed Second Amended Plan.
2. On October 27, 2023, Cibik Law, P.C., filed its Application to be Debtor's counsel.
3. On October 15, 2024, Cibik Law, P.C. received the Order approving its First and Final Application for Compensation and Reimbursement of Costs.
4. On August 25, 2024, Cibik Law, P.C. filed a Certificate of No Response to the pending Application (Docket No. 267).
5. On August 26, 2024, the Debtor filed an Objection to the Cibik Law, P.C. Application (Docket No. 268).
6. On August 27, 2024, Cibik Law, P.C. filed a response to the Debtor's objection (Docket No. 270).
7. On August 27, 2024, the Cibik Firm filed a Motion to Withdraw as counsel. (Docket No. 271).

8. On August 30, 2024, the principal of the Debtor, John Petaccio, met with Michael Cibik, Esq.. The meeting resulted in the Debtor tendering an additional \$10,000 payment to the Cibik Firm for which Mr. Petaccio believes there was no justification. A copy of that check is marked Exhibit "A" attached hereto and incorporated by reference.

9. On September 3, 2024, Mr. Cibik withdraw the objection on behalf of the objector. (Docket No.278). On or about October 10, 2024, the Debtor requested that the undersigned replace the Cibik Firm as counsel.

10. On October 15, 2024, the Cibik Firm withdraw its representation and the undersigned counsel entered his appearance on behalf of the Debtor.

11. Debtor, by its principal and sole shareholder files this Motion based upon the following:

a. Debtor at the time it retained counsel was never made aware of the hourly billing rates for Messrs. Cibik and Assad.

b. Mr. Petaccio agrees that the Fee Application at issue was mailed to him, but never discussed by counsel and himself.

c. Debtor is not aware of the approved hourly billing rates for prior counsel in appearing before this Court.

d. Mr. Petaccio was repeatedly described as a difficult client and will testify to his repeated attempts for responses to his calls and inquiries which were not returned.

12. Debtor asserts that the Fee Application is excessive in requesting fees for the following services:

a. There is possibly a double entry on 10/19/23 (No. 14 & 15) of an infirm discussion totaling \$400.00.

b. Entries 18, 19, 20 and 21 on the Application total \$1205.00 and appear excessive.

c. The Cibik Application includes eleven (11) meetings between Messrs, Cibik and Assad totaling \$8250.00 to discuss the status of the case which Debtor believes is an excessive charge.

d. The Cibik Firm charged the Debtor \$9450.00 for preparation of the Plan and Disclosure Statement. Debtor asserts that these charges are excessive for the time necessary to complete these tasks.

13. Debtor is unaware of the sources related to the \$18,827.00 held in the Cibik Iolta account.

14. Debtor reserves the right to augment this Motion with additional objections which result from the investigation of the services rendered. The undersigned counsel was retained on October 15, 2024 and is time constrained by the ten (10) day period for filing the within pleading. Debtor agrees to provide any additional objections and serve same at least ten (10) days prior to the hearing scheduled in this matter.

15. The verification of John Petaccio sole shareholder of the Debtor is attached hereto and marked Exhibit "B"

Respectfully submitted:

BY:



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Philadelphia, PA 19102
Phone: 215-568-2700
Fax: 215-689-3777
Email: allen@dubrofflawllc.com

Date: 10/24/24

EXHIBIT "A"

96

08/23/2024

\$3,432.5

TRI-STATE PAPER CO. INC

149 1/2 E. Main St
Bloomington, IL 61701-2000

1099

FORM 990

1-17-11, 2002

Date 8/25/24

Pay to the
order of

Cab K Law

10000 Dollars

\$ 10,000.00

DOLLARS

to Citizens

John Stacey

10/25/24

10010440 40360761501 6321543724

99

08/30/2024

\$10,000.00

EXHIBIT "B"

VERIFICATION

I, JOHN PETACCIO, am the principal and sole shareholder of Tri-State Paper, Co., Inc. and I verify that all of the factual statements in this Motion for Reconsideration of the Order entered October 15, 2024 approving the First and Final Application of Cibek Law, P.C. for Compensation and Reimbursement of Expenses for the Period October 9 through August 2, 2024 are true and correct to the best of my knowledge, information and belief. Under penalty of perjury, I declare that the foregoing is true and correct.



JOHN PETACCIO

Dated: 10/22/24

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: TRI-STATE PAPER, INC.	:	CHAPTER 11
	:	
Debtor	:	
	:	Bky. No. 23-13237(PMM)

CERTIFICATE OF SERVICE

I certify that, on this date, I served a true and correct copy of the Debtor's Motion for Reconsideration of the Order of October 15, 2024 Approving the First and Final Application for Compensation and Reimbursement of Costs of Cibik Law, P.C. Counsel for the Debtor for the Period of October 9, 2023 though August 2, 2024 from the Court Registry along with the notice on the following parties by First Class US Mail or through CM/ECF system.

NO DATE HAS BEEN ASSIGNED TO THIS MOTION. MOVANT WILL REQUEST A DATE IN LATE NOVEMBER OR THE FIRST THREE WEEKS IN DECEMBER.

Kevin Callahan, Esq.
Senior Staff Attorney
Office of the US Trustee
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Philadelphia, PA 19107

Richard Furtek, Esq.
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101 Lindenwood Drive – Suite 225
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ALLEN B. DUBROFF, ESQ. & ASSOCS., LLC

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Dated: 10/24/24